

Law Offices of

MAREIN & BRADLEY

222 Leader Building, 526 Superior Avenue
Cleveland, Ohio 44114-1210

MARK B. MAREIN
STEVEN L. BRADLEY
MICHAEL I. MAREIN
CAL E. CUMPSTONE

(216) 781-0722
FAX (216) 781-6010

September 1, 2022

OF COUNSEL:
MARY JO TIPPING

Via Email Only

Emily Glatfelter
Matthew Singer
Assistant United States Attorneys
Southern District of Ohio
221 East Fourth Street
Suite 400
Cincinnati, Ohio 45202
Emily.Glatfelter@usdoj.gov
Matthew.Singer@usdoj.gov

Re: *United States v. Larry Householder*, No. 1:20-cr-77 (S.D. Ohio)

Dear Counsel:

Pursuant to the Court's Trial Order and Rule 16(b)(1)(C) of the Federal Rules of Criminal Procedure, we are providing you with the below written summary of any testimony that Larry Householder intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial.

Mr. Householder will call Caleb P. Burns to testify as an expert on political involvement by tax-exempt 501(c)(4) organizations. Mr. Burns's qualifications are set forth in the attached curriculum vitae.

Specifically, Mr. Burns will provide testimony on the following:

- Federal law governing 501(c)(4) activities. Mr. Burns will provide background on the federal laws that govern the political activities of a 501(c)(4) organization. In particular, he will explain that a 501(c)(4) organization may engage in candidate-related activities provided that doing so is not the organization's primary purpose. Though there are no bright-line standards for measuring primary purposes, Mr. Burns will share that relevant federal authorities suggest 40% is an appropriate threshold, but in practice, the threshold may increase to 49%. Mr. Burns will further explain that lobbying on legislation and engaging in ballot measure activities can be a 501(c)(4) organization's primary purpose and, therefore, constitute 100% of the organization's activities.
- Officeholder alignment with 501(c)(4) organizations. Mr. Burns will explain how officeholders can be aligned with 501(c)(4) organizations. That is,

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policy goals and will work collaboratively to achieve their mutual goals. Mr. Burns will provide examples including: One Nation which is aligned with U.S. Senate Minority Leader Mitch McConnell, and Majority Forward which is aligned with U.S. Senate Majority Leader Chuck Schumer.

- Background on federal “leadership” PACs and private support for an officeholder’s legislative leadership aspirations. Mr. Burns will explain that a federal “leadership” PAC is an entity that an officeholder maintains to raise money from private sources to then contribute to the campaigns of allied candidates and officeholders. Mr. Burns will further explain the original intent of “leadership” PACs – and the derivation of the name. That is, an officeholder would establish a “leadership” PAC and raise funds from private sources to then contribute the funds to colleagues who, presumably, would vote for the officeholder in the legislature’s leadership elections (e.g., for positions like Majority Leader or Speaker of the House). Mr. Burns will explain that “leadership” PACs remain a fixture of the current political system and demonstrate that private support for an officeholder’s legislative leadership aspirations is commonplace.

* * *

We reserve the right to supplement, amend, and otherwise revise this disclosure, and we further reserve the right to offer any opinion testimony to rebut any opinion testimony offered by the government in its case-in-chief. Please do not hesitate to contact me if you wish to discuss this matter further.

Sincerely,

/s/ Steven L. Bradley
Steven L. Bradley

cc: Mark Marein
Nicholas Oleski
Karl Schneider
Todd Long